

# **EXHIBIT 8**

1 filed, I believe.

2 Q. Okay.

3 A. The demand letter.

4 Q. Okay. To your knowledge, does Ascentium  
5 have any type of written agreement with Adams Tank  
6 or Andy Adams?

7 A. No. To my knowledge, no.

8 Q. Okay. So what is it -- what do you base  
9 your belief that Adams Tank should have done  
10 something to protect Ascentium's interest? I mean,  
11 what do you base that belief on?

12 A. Well, I believe that, pertaining to the  
13 Jackson facility, he received \$216,000 from us. He  
14 knowingly did not deliver the collateral on that  
15 contract. And he was, from what I understand,  
16 funded on that equipment from Providence.

17 So in my mind, we should have been refunded  
18 the entire \$216,000 less whatever however many  
19 payments Phoenix had made at the time. Because I  
20 believe they did pay. I don't know if it was 10 or  
21 12 payments. I'd have to go back and look.

22 But we figured that -- we felt that we  
23 should get the \$216,000 back minus the payments that  
24 have been made, because no items were delivered. We  
25 were not able to place a lien on any collateral

1 outlined in that paragraph of Item 7?

2 A. Yes.

3 Q. Okay. And what is Ascentium's basis for  
4 that claim?

5 A. Well, the basis for the claim is Ascentium  
6 funded Adams --

7 Q. Okay.

8 A. -- \$216,000 to deliver specific items on an  
9 invoice that Adams had provided us.

10 Q. Okay.

11 A. And to our knowledge, none of the items on  
12 that invoice were ever delivered.

13 So we funded \$216,000. Collateral-wise or  
14 equipment-wise, we feel that it's zero, so that's  
15 why we feel that Adams owes the money.

16 Q. Okay. So if we look back at Exhibit 50 and  
17 51, do -- do these exhibits not show that the  
18 equipment -- that there was equipment provided at  
19 the Jackson facility by Adams Tank?

20 A. At the Jackson facility, the Ruby Sapphire  
21 System was there still in boxes, and the Veeder Root  
22 Tank Monitoring System was there still in boxes.  
23 And I'm not sure if those were the items that were  
24 specifically on his invoice to us.

25 Q. Okay.

1 A. Serial-number-wise.

2 Q. And then how about the other exhibit?

3 A. The other Jackson inspection, the pumps  
4 were viewed. However, we learned that those pumps  
5 were not pumps that we had paid for. They were paid  
6 for by another finance company. So the pumps that  
7 we thought we were paying for on the invoice of  
8 \$216,000 from Andy were never delivered. These were  
9 somebody else's dispensers.

10 Q. Was it also your opinion that the other  
11 items you mentioned that are listed on Exhibit 50  
12 were someone else's equipment or --

13 A. I don't recall.

14 Q. Okay.

15 All right. Do you still have the  
16 declaration in front of you?

17 A. Yes, I do.

18 Q. Okay. Let's look at the -- I believe  
19 they're called Composite Exhibit A.

20 A. (Complies with request.)

21 Okay.

22 Q. So is this a -- a standard format of a  
23 printout in a computer system?

24 A. Yes.

25 Q. Okay. And tell me -- there's a date at the

1 what equipment is covered under this invoice in your  
2 Schedule A?

3 A. There are 10 gas dispensers. There is  
4 something described as hanging hardware. I'm not  
5 sure what that is. And there is the dual terminal  
6 Ruby Sapphire System. That's a point-of-sale  
7 system, from what I understand.

8 Q. Okay.

9 A. And that's it.

10 Q. And then is there also a shipping and  
11 handling?

12 A. Oh, I'm sorry. Yeah.

13 Q. Okay.

14 A. Yes, there is.

15 Q. Okay.

16 A. \$2,025.

17 Q. Okay. All right. Then if we flip the  
18 page, the next two pages make up what appears to be  
19 a guarantee by Mr. Masoodzadehgan? Is that correct?

20 A. I call him Ataollah, but yes, that's  
21 correct. I can't pronounce his last name.

22 Q. Okay.

23 A. Let me clarify that. That is not  
24 Mr. Ataollah's personal guaranty. He is signing a  
25 corporate guaranty for Falcon Entity, LLC.

1 Q. Gotcha. Okay.

2 And who is Falcon Entity, LLC? Do you  
3 know?

4 A. From what I understand, that was another  
5 entity that Ataollah owned.

6 Q. Okay.

7 A. He had two or three different entities. I  
8 think he had Phoenix, he had Falcon Entity, and he  
9 had an entity called Great American Travel Center.  
10 I'm not sure what those other two entities did.

11 Q. So as to the Cairo 1 transaction,  
12 Mr. Masoodzadehgan did not sign any personal  
13 guaranties?

14 A. He did. It's on Page 1 of the face of the  
15 EFA, two-thirds of the way down on the left.

16 Q. Okay. Gotcha.

17 Okay. All right. And then the next two  
18 documents appears to be another guaranty, with the  
19 guarantor, Great American Travel Center; is that  
20 correct?

21 A. Correct. Signed by Ataollah.

22 Q. Okay. All right. Then the next document  
23 is -- appears to be a UCC financing statement. Is  
24 that correct?

25 A. That's correct.

1 Q. All right. So just tell me what this  
2 document is. It's --

3 A. This is a copy of the Cairo Number 2 job.

4 Q. Okay. And how do you know that?

5 A. I recognize the agreement number.

6 Q. Okay.

7 A. And it also says, under collateral  
8 location, Highway 14, Cairo, Georgia.

9 Q. Okay.

10 All right. Let's go -- does this -- if you  
11 look down -- let's see.

12 Let's go to the third page.

13 A. (Complies with request.)

14 Okay.

15 Q. Do you see an invoice?

16 A. I do.

17 Q. Okay. What's the date on that invoice?

18 A. 1/21/13.

19 Q. Okay. And what items of equipment are  
20 represented on this invoice?

21 A. It is the Carrol cooler, 12-door cooler and  
22 beer cave, the eight-column gas canopy, and the  
23 four-column diesel canopy.

24 Q. Okay.

25 And this appears to be marked Schedule A.

1           A. This would not be an ACH type of  
2           authorization, I don't believe.

3           Q. Okay. Okay.

4           A. And if you look at the payment histories,  
5           it's got a check number on it.

6           Q. Okay.

7           A. And I'm not sure if that corresponds with  
8           these, but it should.

9           Q. Okay.

10          A. But these were not -- this has nothing to  
11          do with ACH.

12          Q. All right.

13          A. Matter of fact, if you look at -- if you  
14          look at Exhibit 59 --

15          Q. Okay.

16          A. -- the second page in, where we tell them  
17          how much we need, \$2,341, there's the check for  
18          \$2,341.

19          Q. Okay. Great.

20          A. So it corresponds.

21          Q. All right. Enough of that.

22                   MR. MCKENZIE: Next is going to be Exhibit

23                   61.

24                   (Defendant's Exhibit 61 marked.)

25                   BY MR. MCKENZIE:



1 Q. Exhibit 61 is a version of Equipment  
2 Finance Agreement Number 2118850 that was marked as  
3 Exhibit 16, and used in the deposition as taken by  
4 Ascentium of Andy Adams and Adams Tank employees.

5 If you want to take a look at it, and we  
6 can talk about it.

7 A. (Complies with request.)

8 Okay.

9 Q. Okay. So what is this document?

10 A. This is a copy of the agreement for the  
11 Jackson location.

12 Q. Is this Exhibit 61?

13 MR. STINE: Yeah.

14 A. Yeah.

15 Q. All right. Let's go to the third page.

16 A. Okay.

17 Q. All right. What is this?

18 A. This is an invoice submitted from Adams  
19 Tank to Ascentium for the Jackson equipment.

20 Q. Okay. And does this document appear  
21 different than the other invoices that were  
22 attached?

23 A. Yes, it does.

24 Q. Okay. What's the date on this document?

25 A. June 27th, 2013.

1 Q. The Cairo 1 and Cairo 2 exhibits.

2 A. The answer is yes.

3 Q. Okay.

4 And is that the same for the delivery and  
5 acceptance certificate?

6 A. Correct.

7 Q. Okay.

8 Isn't it true that Mr. Masoodzadehgan or  
9 his signatures on the delivery and acceptance ticket  
10 on 6/27/13 -- is that --

11 A. I'm sorry. I didn't know that it was a  
12 question.

13 Q. On the delivery and acceptance.

14 A. Could you repeat that, please?

15 Q. Yeah.

16 What's the date that Mr. Masoodzadehgan's  
17 name was signed to the delivery and acceptance  
18 certificate?

19 A. June 27th, 2013.

20 Q. Okay.

21 Okay. Let's look at -- okay.

22 MR. MCKENZIE: This is going to be No. 62.

23 (Defendant's Exhibit 62 marked.)

24 MR. STINE: Let's have a look.

25 MR. MCKENZIE: I've got you one.

1 MR. STINE: Do you?

2 MR. MCKENZIE: Yeah.

3 MR. STINE: Thanks.

4 BY MR. MCKENZIE:

5 Q. All right. Take a look at Defendant's  
6 Exhibit 62, and just let me know after you've had an  
7 opportunity to just peruse through.

8 A. This looks like the same documents we just  
9 looked at in Exhibit 61, only it looks like these  
10 were e-mailed from --

11 Q. Okay.

12 A. -- Phoenix Petroleum to Maria Negri.

13 Q. Instead of faxed?

14 A. Correct.

15 Q. Okay. All right. So let's -- all right.

16 So what date were these items -- for the record,  
17 Selina Barnard is my assistant who printed this  
18 e-mail, and that's why her name is on the top.

19 A. Okay.

20 Q. So let's see.

21 All right. So when was this document  
22 e-mailed to Ascentium from Phoenix?

23 A. June 27th, 2013.

24 Q. Okay. All right. Let's just go through --  
25 let's look at the first page.